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Attorneys for Plaintiff, JOSUE SOTO, Individually, on Behalf of All Others Similarly Situated,
on Behalf of All Other Aggrieved Employees, and on Behalf of the General Public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JOSUE SOTO, Individually, On Behalf of All)	Case No. 08-CV-0033 L (AJB)
Others Similarly Situated, and on Behalf of the)	
General Public,)	<u>CLASS ACTION</u>
)	
Plaintiff,)	PLAINTIFF'S NOTICE OF WITHDRAWL
)	OF MOTION TO DISMISS [DOC. NO. 18]
v.)	
)	Date: April 7, 2008
DIAKON LOGISTICS (DELAWARE), INC., a)	Time: 10:30 a.m.
foreign corp.; and DOES 1 through 50,)	Judge: Hon. M. James Lorenz
inclusive,)	Dpt: 14
)	
Defendants.)	Original Complaint Filed: 12/5/2007
)	
)	
)	
AND ALL COUNTER-CLAIMS)	
)	

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2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on February 8, 2008 Plaintiff/counter defendant erroneously
4 filed a Motion to Dismiss [Doc. No. 18] and hereby withdraws that motion. A new, corrected
5 Motion to Dismiss, simply adding SAYBE'S LLC as a moving party, will be filed.

6
7 DATED: February 8, 2008

EMGE & ASSOCIATES

8
9 s/ Derek J. Emge
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17 Attorneys for Plaintiff, JOSUE SOTO,
18 Individually, on behalf of all others similarly
19 situated, all aggrieved employees, and on
20 behalf of the General Public, and attorneys for
Third-Party Defendant SAYBE'S LLC